

AFFAIRS IN GEORGIA,

AS REPORTED BY THE CONSTITUTION'S CORRESPONDENTS.

Letting out Blood in Bainbridge—Burning of the Dawson Jail—Bleeding in Southwest Georgia—The Assessment of Albany—Some Social Entertainment Reported from Clay County.

CUTHBERT, September 24.—Clay superior court is in session, holding an adjourned term of the court. There were several important criminal cases to be disposed of. In two cases of assault with intent to rape, involving some of the best families in Clay county, both defendants were cleared, as there was no evidence to show guilt on part of defendants. The regular term of Clay court will be held next week.—It is rumored that Colonel Herbert Fielder has sold his dwelling house and property in this county and will soon remove to Arkansas. The colonel says business is so dull here he can't submit longer.—Nearly all the cotton in this and adjoining counties is gathered. There will not be any cotton in this county to gather after the 15th of October. Some farmers have finished picking cotton. There will not be two-thirds of a crop made in this county.

BAIRNBRIDGE, September 23.—Mrs. C. Perry, mother of Richard Perry, a good citizen of our town, died at his residence this morning, aged ninety-four. Nat. Smith, colored, had a quarrel on the ferryboat crossing Flint river yesterday, with Mr. Funderburk, white. The latter struck the former with a piece of plank on the head, knocking him into the river, splitting the scalp six inches and laying it bare. He was brought up town and the wound dressed by Dr. J. A. Butts. Had not surgical aid been near he would have soon bled to death, as the blood was fairly streaming from the ugly wound. Though the skull is not fractured, it is in a critical condition. Mr. Albert Winter, formerly of Cairo, Ga., has purchased the farm of A. D. Curry, one mile from town, and located his kennel of fine dogs upon it. His partner, Mr. W. W. Titus, has charge of the kennel. He is training for eastern and western field trials the young pointers and setters of the best blood.—The energetic railroad, S. H. Haines, will soon commence the extension of the Savannah, Florida and Western railway from here to Chattahoochee, twenty-five miles below us, to connect with the road building from there to Pensacola and Mobile.

ALBANY, September 23.—Quite a number of cases of the hemorrhagic yellow fever have developed about Albany recently. This disease is always a protracted one and in a majority of cases fatal.—Mayor Wilder has issued a proclamation, requesting a suspension of business and schools for the citizens to-morrow, the 26th, in the different churches in the city for holding religious memorial services in commemoration of the obsequies of our deceased president.—The assessors of taxable property, after a careful assessment of all the taxable property in Albany liable to taxation, make the total amount in their report to be \$1,211,762.20, showing an increase of between \$70,000 and \$75,000 over that of last year. The amount is upon all real and personal property in the city subject to tax.

VALDOSTA, September 24.—A mass meeting of the temperance men of Lowndes county was held in the courthouse today. The meeting was for the purpose of perfecting arrangements for canvassing the county in view of the approaching election on the sale of whisky in Lowndes. Judge R. A. Peoples was elected chairman, and J. A. Dasher, secretary. By resolution the chair appointed a committee of three for each district in the county, to canvass their respective districts and work up as large a vote against whisky as possible. The contest between the liquor and the anti-liquor men bids fair to be a lively one, and it is impossible at this time to tell the result.

CANTON, September 24.—The intelligence reached your correspondent this morning that the Dawson county jail was set on fire last Monday night by a negro inmate, for the purpose of making his escape, and was completely consumed together with the negro. The negro was in the jail during the burning and was burned to death. He had been setting it on fire to the very last, but it is quite evident that he did it, as it caught first on the inside. He attracted the citizens' attention to it but too late to save either the jail or negro.

GALENSVILLE, September 24.—A splendid entertainment was given by the Try club academic pupils of the Georgia Baptist seminary last night. Have never seen the exercises in recitations in such a manner. The pupils of the seminary this term. Mrs. J. H. Hunt, assistant teacher, deserves especial mention in her department. She is a lady of rare culture and education.

HAWKINSVILLE, September 25.—In accordance with the proclamation of President Arthur our town will observe the day as one of humiliation and mourning for the late lamented president. Our schools, churches and all amusements of business remain closed for the day. Memorial and religious services will be held in the different churches.

SUPREME COURT DECISIONS, Rendered September 21.—Dykes, trustee vs. McVay—Ejectment from Pulaski—Deeds, Title, Mortgages, Actions, Evidence.

Jackson, C. J.—A deed made by a trustee with the assent of the sole beneficiary, who was sui juris, was good, and though made to secure a debt passed the title.

(a) The assent of the beneficiary being on the deed, and part of it was properly recorded with it, and being in writing, is sufficient evidence of her consent to the sale.

2. A deed to secure a debt passes the legal title and will authorize a recovery in ejectment.

3. That the holder of a deed to secure a debt, under section 1860 cec. of the recovered judgment, and made and filed a deed to the debtor for the purpose of levying on the land, did not pass the title back to the debtor. It was a mere escrow except for the purpose of levy on sale.

(a) This was not altered by the fact that the debtor obtained the deed from the clerk's office without the knowledge of the creditor, by paying recording fees therefor, and parol testimony was admissible to show such fact.

4. Semble that suing to judgment the notes to secure which the deed was given would not bar an action of ejectment on the deed; and that the pendency of an affidavit of illegality to a levy under a judgment so rendered would not be good as a plea in abatement. The proper equitable defense is to pay the debt and demand a reconveyance.

Judgment affirmed.

L. C. Ryan, J. R. Mitchell, by brief, for plaintiff in error. J. A. Thomas, J. Watson, for defendant.

Southern Express Company vs. Frink et al. Suit on bond from Pulaski. Principal and agent. Damages. Negligence. Charge of care. Master and servant. Common carriers.

1. An express company employed a messenger and required him to give bond. The bond provided that he should "well and truly perform all the duties required of me in any position or place to which I may be assigned in said employment, and well and truly account for all money and property of every description which may come into my possession or control, or for which I may have given my receipt, by reason of said employment, and make good all loss or damage which may happen to such money or property while under my control, for which I may be legally responsible, and indemnify and save harmless the said company from all liability on account of any fault or negligence."

2. Held, that as between the company and the messenger his liability was not that of a common carrier, but that of an agent and depended on his diligence or negligence.

3. A charge not founded on the evidence and likely to mislead the jury was error.

4. Where one employs an agent who is already in the service of another principal with full knowledge of his first employment, and concurrently therewith, the second contract must be construed in the light of the duties imposed by the first, and the agent will not be liable to the second employer for a failure of duty if caused solely by the obligations imposed by the first employment.

(a) The issues in this case were not fully and fairly submitted.

Judgment reversed.

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(a) The issues in this case were not fully and fairly submitted.

Judgment reversed.

Roberts & DeLury, Jacob Watson, R. F. Lyon, for plaintiff in error.

Kibbee & Martin; C. C. Ryan; Harrison & Peckles, for defendant.

Conyers, administrator, vs. Gray. No execut. from Bartow. Attorney and client. Ad ministrators and executors. No execut. Equity.

Jackson, C. J.—An attorney who has collected money for a client cannot hold the same amount and refuse to pay over the same because a small part is due to him as fees.

Nor is it any defense to a rule by the administrator de bonis non to collect such fund that the client of defendant was the primary administrator, and defendant was one of the securities on his bond; that defendant having collected money for the estate, paid it over to the administrator, who returned it to him to keep to secure him against liability on the bond.

2. Where it was shown on an application for no execut. that the defendant had declared his intention of leaving the state shortly before that time, and had intended to be dismissed from the administration on a certain estate in open court on the ground that he intended to remove from the state, an answer to the effect that the defendant had intended so to remove, but had altered his mind and did not intend at the time of filing the answer, but might change his mind if he saw fit, was not sufficient to prevent the grant of the writ of no execut.

3. Under the facts of this case the remedy at law was not adequate, and there was good ground for equitable interposition.

Judgment reversed.

James B. Conyers; Graham & Foutte, for plaintiff in error.

W. K. Moore, for defendant.

Perry vs. Mayor, etc., of Cochran. Injunction from Pulaski.

Jackson, C. J.—The chancellor did not abuse his discretion in refusing an injunction in this case.

Judgment affirmed.

W. H. Wylly, for plaintiff in error.

James A. Thomas, for defendants.

Tift vs. Harrell. Injunction from Berrien.

Jackson, C. J.—The title to land being in controversy, and the evidence concerning it conflicting, one of the claimants filed his bill to enjoin the other from using the pine trees on the land for the manufacture of turpentine.

It appeared that this use, while injurious to the timber, did not destroy the corpus of the estate. The evidence on the question of solvency was conflicting. The chancellor granted the injunction, but provided that it should be dissolved upon defendant's giving bond to answer any verdict or finding which might be returned against him.

Held, that there was no error in granting such conditional dissolution.

Judgment affirmed.

Wright & Pope, for plaintiff in error.

L. E. & W. H. Lastering, for defendant.

Garrison et al. vs. City of Atlanta. Injunction from Fulton. Criminal law. Equity.

Crawford, J.—Injunction will not be granted to restrain a criminal proceeding.

Judgment affirmed.

L. J. Gartrell; Wright & Dorsey; A. B. Culbertson, for plaintiff in error.

W. T. Newman, for defendant.

Everybody is using Brown's Iron Bitters, and everybody is astonished at its many marvelous cures where all others have failed.

sec25 d&wlv

The Richmond and Allegheny railroad, the construction of which was begun September 1880, is now complete and being operated through to Williamson, a distance of 23 miles. This is probably the most expeditious work of the kind ever done in the south.—The Atlanta Herald.

Mr. Samuel McKenzie, Cumberland, Md., writes: "I am 68 years of age. About four years ago I began to go into decline. I suffered from dyspepsia, stone in the bladder, weak lungs, and nervous debility. Nothing I tried did me any good until I used Brown's Iron Bitters. This remedy has made me again robust and strong, and I feel all the life and activity of youth once more in my veins."

sec25 d&wlv

These ailments follow from torpid liver and costive bowels; the skin, bowels and kidneys failing in their proper work, an acid poison is formed in the blood, which is the occasion of these acute diseases. Kidney-Wort produces healthy action of all secretory organs, and throws off the rheumatic poisons, which are efficient in Liquid or Dry form.—Inter-Ocean.

A trial in a Philadelphia court had to be postponed the other day because the prosecuting witness, who was sui juris, was so afraid, and though made to secure a debt passed the title.


(a) The assent of the beneficiary being on the deed, and part of it was properly recorded with it, and being in writing, is sufficient evidence of her consent to the sale.

2. A deed to secure a debt passes the legal title and will authorize a recovery in ejectment.

3. That the holder of a deed to secure a debt, under section 1860 cec. of the recovered judgment, and made and filed a deed to the debtor for the purpose of levying on the land, did not pass the title back to the debtor. It was a mere escrow except for the purpose of levy on sale.

(a) This was not altered by the fact that the debtor obtained the deed from the clerk's office without the knowledge of the creditor, by paying recording fees therefor, and parol testimony was admissible to show such fact.

ST. JACOB'S OIL.



TRADE MARK.

THE GREAT GERMAN REMEDY FOR RHEUMATISM.

Neuralgia, Sciatica, Lumbago, Backache, Stiffness of the Chest, Gout, Quinsy, Sore Throat, Swellings and Sprains, Burns and Scalds, General Bodily Pains, Tooth, Ear and Headache, Frosted Feet and Ears, and all other Pains and Aches.

No Preparation on earth equals St. Jacob's Oil as a safe, sure, simple and cheap External Remedy. It cures all the comparatively trifling outlay of 50 Cents, and every one suffering with pain can have cheap and positive proof of its claims.

Directions in Eleven Languages.

SOLD BY ALL DRUGGISTS AND DEALERS IN MEDICINE.

A. VOGELER & CO., U. S. A. Baltimore, Md., U. S. A.

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TROPIC FRUIT LAXATIVE.

PREPARED BY PHYSICIANS.



A Delicious and Refreshing Fruit Lozenge, Which Serves the Purpose of Pills and Disagreeable Purgative Medicines.

TROPIC-FRUIT LAXATIVE is the best preparation in the world for Constipation, Biliousness, Headache, Piles, and all kindred troubles. It acts gently, effectively, and is delicious. Prepared in brown glass bottles only. It imparts vigor to mind and body, and dispels Melancholy, Hypochondria, etc. The fruit comes from the Tropics, and is of the most delicious quality.

PRICE 25 AND 50 CTS. SOLD BY ALL DRUGGISTS.

Feb10—d&wlv thur sat tues nx rd mat

KIDNEY WORT.

THE GREAT CURE FOR RHEUMATISM.

As it is for all diseases OF THE KIDNEYS, LIVER AND BOWELS.

It cleanses the system of the acid poison which is the cause of all diseases of the kidneys, liver and bowels, and restores the system to its normal condition.

THOUSANDS OF CASES OF THE WORST FORMS OF THIS TERRIBLE DISEASE HAVE BEEN QUICKLY CURED, IN A SHORT TIME.

PERFECTLY CURED.

has had wonderful success, and an immense sale in every part of the country. In hundreds of cases it has cured where all else had failed. It is mild, but efficient, CERTAIN IN ITS ACTION, and has no harmful effects. It cleanses the system, and gives new life to all the important organs of the body. The natural action of the kidneys is restored. The liver is cleansed of all disease, and the bowels move freely and healthily. In this way the worst disease are eradicated from the system.

As it has been proved by thousands that it is the most effective remedy for cleansing the system of all morbid secretions. It should be used in every case.

SPRING MEDICINE.

Always cures RHEUMATISM, CONSTIPATION, BRICKBATH, and all other diseases of the kidneys, liver and bowels. It is put up in Dry Vegetable Form, in tin cans, one package of which makes a quart of medicine. Also in Liquid Form, in bottles, one bottle of which makes a quart of medicine. It is the most effective remedy for cleansing the system of all morbid secretions. It should be used in every case.

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